

**REMARKS**

Claims 1-16 are pending in this application. By this Amendment, claims 1 and 5 are amended for clarification. Support for claims 1 and 5 can be found in the specification at least at page 9, lines 27-32. Thus, no new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. Double Patenting Rejection**

The Office Action rejects claims 1 and 5 under the non-statutory obviousness-type double patenting over claims 2 and 5 of U.S. Patent No. 6,643,394 B1 ('394 patent), respectively. By this Amendment, a terminal disclaimer is submitted. Withdrawal of the rejection is thus respectfully traversed.

**II. The Claims Define Patentable Subject Matter****A. §102(b) Rejection of Claims 1-9 and 13**

The Office Action also rejects claims 1-9 and 13 under 35 U.S.C. §102(b) over U.S. Patent No. 3,963,354 to Feldman. This rejection is respectfully traversed.

Feldman does not teach or suggest every feature recited in claims 1-9 and 13. In particular, Feldman does not teach or suggest a visual inspection apparatus that includes "image comparison means for designating one of the areas as a subject area and other two of the areas as comparison areas for the subject area, ... and for comparing the image of the

subject area with the images of each of the comparison areas; and defect detection means for detecting a defect in the object in accordance with the comparison between each of the areas by the image comparison means," as recited in independent claim 1 (emphasis added).

Similarly, Feldman does not teach or suggest a visual inspection method that includes "designating one of the three areas as a subject area and other two of the three areas as comparison areas for the subject area ... and comparing the image of the subject area with the images of each of the comparison areas to determine whether the subject area is defective," as recited in independent claim 5 (emphasis added).

In other words, Feldman does not teach or suggest the comparison between the image of the subject area with the images of each comparison area. Feldman merely discloses the comparison between the signal of the subject area and the weighted average of the signals of its adjacent areas. In particular, Feldman discloses the comparison of a 6-1-1 signal with the weighted average of the signals obtained from areas 5-1-1 and 7-1-1 or with some other weighted average of all the other signals (Feldman at col. 7, lines 25-27). Thus, Feldman does not disclose the comparison between subject area with each of the comparison areas, as recited in independent claims 1 and 5.

Further, Feldman does not disclose the comparison of the subject area with each of the two closest areas in the same row that thereby enables the double detection with high accuracy. In particular, Feldman does not disclose a visual inspection apparatus or method "when the subject area is one of the ends of the odd-numbered areas, the comparison areas are one odd-numbered area and one even-numbered area closest to the subject area, and when the subject area is one even-numbered area and is not one of ends, the comparison areas are two odd-numbered areas closest to the subject area," as recited in independent claim 1, and as similarly recited in independent claim 5.

Thus, for at least these reasons, independent claims 1 and 5 are patentable over Feldman. Further, claims 2-4, 6-9 and 13, which depend from claims 1 and 5, are also patentable over Feldman for at least the reasons discussed above with respect to claims 1 and 5, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

**B. §103(a) Rejection of Claims 1-16**

The Office Action rejects claims 1-16 under 35 U.S.C. §103(a) over Feldman in view of JP 2-10249 to Taniguchi et al. This rejection is respectfully requested.

Feldman and Taniguchi do not teach or suggest, alone or in combination, the features recited in independent claims 1 and 5. In particular, neither of the references teaches nor suggests a visual inspection apparatus that includes "image comparison means for designating one of the areas as a subject area and other two of the areas as comparison areas for the subject area, ... and for comparing the image of the subject area with the images of each of the comparison areas; and defect detection means for detecting a defect in the object in accordance with the comparison between each of the areas by the image comparison means," as recited in independent claim 1 (emphasis added). Similarly, neither of the references teaches nor suggests a visual inspection method that includes "designating one of the three areas as a subject area and other two of the three areas as comparison areas for the subject area ... and comparing the image of the subject area with the images of each of the comparison areas to determine whether the subject area is defective," as recited in independent claim 5 (emphasis added).

The Office Action asserts that Feldman discloses the comparison between the subject area and its adjacent areas. As discussed above, Feldman does not teach or suggest the comparison between the image of the subject area with the images of each comparison area as

recited in independent claims 1 and 5. Feldman merely discloses the comparison between the signal of the subject area and the weighted average of the signals of its adjacent areas.

The Office Action acknowledges that Feldman does not disclose the comparison of subject area with the two closest areas as recited in independent claims 1 and 5. However, Taniguchi does not remedy the deficiencies of Feldman.

Taniguchi does not disclose the comparison of each die with two of its neighbors as recited independent claims 1 and 5. Taniguchi merely discloses the comparison of the detected signal A-c with signal B-c and the comparison of detected signal B-c with signal C-c (see Taniguchi at page 13, lines 1- 8). In other words, Taniguchi merely compares the subject area with the weighted average of the signals of its adjacent areas. Thus, Taniguchi does not disclose comparing the image of the subject area with each image of the comparison areas (i.e., the detected signal A-c with each signal B-c and C-c).

Further, Taniguchi does not disclose the comparison of the subject area with each of the two closest areas in the same row that thereby enables the double detection with high accuracy. In particular, Taniguchi does not disclose a visual inspection apparatus or method "when the subject area is one of the ends of the odd-numbered areas, the comparison areas are one odd-numbered area and one even-numbered area closest to the subject area, and when the subject area is one even-numbered area and is not one of ends, the comparison areas are two odd-numbered areas closest to the subject area," as recited in independent claim 1, and as similarly recited in independent claim 5.

Thus, for at least these reasons, independent claims 1 and 5 are patentable over Feldman and Taniguchi. Further, claims 2-4 and 6-16, which depend from claims 1 and 5, are also patentable over Feldman and Taniguchi for at least the reasons discussed above with respect to independent claims 1 and 5, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Terminal Disclaimer

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